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HOUSE BILL NO. 2363

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 18.2-57, 18.2-308.016, 53.1-10, and 59.1-148.3 of the Code of Virginia, relating to Department of Corrections; designated employees with same power as sheriff or law-enforcement officer.

Patrons—Wilt and Phillips

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 18.2-57, 18.2-308.016, 53.1-10, and 59.1-148.3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's

59 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
 60 full-time or part-time employee of a private police department, and who is responsible for the prevention and
 61 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
 62 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
 63 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
 64 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
 65 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
 66 conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115
 67 ; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
 68 pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix)
 69 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of
 70 the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate
 71 allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with
 72 internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of §
 73 53.1-10 ~~or~~; (xii) *employee with internal investigations authority designated by the Department of Juvenile*
 74 *Justice pursuant to subdivision A 7 of § 66-3;* ~~(xiii)~~ (xiii) private police officer employed by a private police
 75 department; or ~~(xiii)~~ (xiv) person designated as a sworn unit investigator by the Attorney General pursuant to
 76 subsection A of § 32.1-320.1. Part-time employees are those compensated officers who are not full-time
 77 employees as defined by the employing police department, sheriff's office, or private police department.

78 "Private police department" means any police department, other than a department that employs police
 79 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
 80 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
 81 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
 82 department or represent that it is a private police department unless such entity has been authorized by statute
 83 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
 84 to this section, provided it complies with the requirements set forth herein. The authority of a private police
 85 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
 86 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
 87 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
 88 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
 89 shall enter into a memorandum of understanding with the private police department that addresses the duties
 90 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
 91 criminal investigations. Private police departments and private police officers shall be subject to and comply
 92 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
 93 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
 94 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
 95 applicable to private police departments. Any person employed as a private police officer pursuant to this
 96 section shall meet all requirements, including the minimum compulsory training requirements, for
 97 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the
 98 Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law
 99 enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law
 100 Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the
 101 Commonwealth or any locality. An authorized private police department may use the word "police" to
 102 describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§
 103 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013,
 104 that was not otherwise established by statute or an act of assembly and whose status as a private police
 105 department was recognized by the Department at that time is hereby validated and may continue to operate as
 106 a private police department as may such entity's successor in interest, provided it complies with the
 107 requirements set forth herein.

108 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
 109 agency to provide law-enforcement and security services to Virginia public elementary and secondary
 110 schools.

111 "School security officer" means an individual who is employed by the local school board or a private or
 112 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
 113 violations of the policies of the school board or the private or religious school, and detaining students
 114 violating the law or the policies of the school board or the private or religious school on school property,
 115 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
 116 and welfare of all students, faculty, staff, and visitors in the assigned school.

117 "Unapplied criminal history record information" means information pertaining to criminal offenses
 118 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 119 an arrested or convicted person (i) because such information is not supported by fingerprints or other

120 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
121 of the submitted information.

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124 different meaning:

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126 apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional
127 supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and
128 dissemination of criminal history record information.

129 "Board" means the Criminal Justice Services Board.

130 "Conviction data" means information in the custody of any criminal justice agency relating to a judgment
131 of conviction, and the consequences arising therefrom, in any court.

132 "Correctional status information" means records and data concerning each condition of a convicted
133 person's custodial status, including probation, confinement, work release, study release, escape, or
134 termination of custody through expiration of sentence, parole, pardon, or court decision.

135 "Criminal history record information" means records and data collected by criminal justice agencies on
136 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
137 informations, or other formal charges, and any disposition arising therefrom. The term shall not include
138 juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal
139 justice intelligence information, criminal justice investigative information, or correctional status information.

140 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as
141 its principal function performs the administration of criminal justice and any other agency or subunit thereof
142 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
143 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
144 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
145 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
146 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
147 submits reports of compliance with the training standards and (b) the private corporation or agency complies
148 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
149 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
150 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
151 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§
152 37.2-900 et seq.).

153 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to §
154 18.2-271.2.

155 "Criminal justice agency" includes the Department of Criminal Justice Services.

156 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

157 "Criminal justice agency" includes the Virginia State Crime Commission.

158 "Criminal justice information system" means a system including the equipment, facilities, procedures,
159 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
160 criminal history record information. The operations of the system may be performed manually or by using
161 electronic computers or other automated data processing equipment.

162 "Department" means the Department of Criminal Justice Services.

163 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means.
164 The term shall not include access to the information by officers or employees of a criminal justice agency
165 maintaining the information who have both a need and right to know the information.

166 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
167 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
168 full-time or part-time employee of a private police department, and who is responsible for the prevention and
169 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
170 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
171 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
172 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
173 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
174 conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115
175 ; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
176 pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix)
177 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of
178 the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate
179 allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with
180 internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of §

181 53.1-10 ~~or~~; (xii) *employee with internal investigations authority designated* by the Department of Juvenile
182 Justice pursuant to subdivision A 7 of § 66-3; ~~(xii)~~ (xiii) *private police officer* employed by a private police
183 department; or ~~(xiii)~~ (xiv) *person designated as a sworn unit investigator* by the Attorney General pursuant to
184 subsection A of § 32.1-320.1. Part-time employees are those compensated officers who are not full-time
185 employees as defined by the employing police department, sheriff's office, or private police department.

186 "Private police department" means any police department, other than a department that employs police
187 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
188 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
189 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
190 department or represent that it is a private police department unless such entity has been authorized by statute
191 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
192 to this section, provided it complies with the requirements set forth herein. The authority of a private police
193 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
194 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
195 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
196 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
197 shall enter into a memorandum of understanding with the private police department that addresses the duties
198 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
199 criminal investigations. Private police departments and private police officers shall be subject to and comply
200 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
201 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
202 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
203 applicable to private police departments. Any person employed as a private police officer pursuant to this
204 section shall meet all requirements, including the minimum compulsory training requirements, for
205 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the
206 Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law
207 enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law
208 Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the
209 Commonwealth or any locality. An authorized private police department may use the word "police" to
210 describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§
211 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013,
212 that was not otherwise established by statute or an act of assembly and whose status as a private police
213 department was recognized by the Department at that time is hereby validated and may continue to operate as
214 a private police department as may such entity's successor in interest, provided it complies with the
215 requirements set forth herein.

216 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
217 agency to provide law-enforcement and security services to Virginia public elementary and secondary
218 schools.

219 "School security officer" means an individual who is employed by the local school board or a private or
220 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
221 violations of the policies of the school board or the private or religious school, and detaining students
222 violating the law or the policies of the school board or the private or religious school on school property,
223 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
224 and welfare of all students, faculty, staff, and visitors in the assigned school.

225 "Sealing" means (i) restricting dissemination of criminal history record information contained in the
226 Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction, in
227 accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations adopted
228 pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting dissemination of
229 court records related to an arrest, charge, or conviction, unless such dissemination is authorized by a court
230 order for one or more of the purposes set forth in § 19.2-392.13.

231 "Unapplied criminal history record information" means information pertaining to criminal offenses
232 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
233 an arrested or convicted person (i) because such information is not supported by fingerprints or other
234 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
235 of the submitted information.

236 **§ 9.1-400. Title of chapter; definitions.**

237 A. This chapter shall be known and designated as the Line of Duty Act.

238 B. As used in this chapter, unless the context requires a different meaning:

239 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the
240 will of a deceased person if testate, or as his heirs at law if intestate.

241 "Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty

242 as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
 243 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a
 244 law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees
 245 designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the
 246 Department of Corrections for the purpose of enforcing all the criminal laws of the Commonwealth,
 247 employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the
 248 operations of the Department of Juvenile Justice, and members of the investigations unit of the State
 249 Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting
 250 the operations of a state or nonstate agency; a correctional officer as defined in § 53.1-1; a jail officer; a
 251 regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of
 252 the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical
 253 services agency that has been recognized by an ordinance or a resolution of the governing body of any
 254 county, city, or town of the Commonwealth as an integral part of the official safety program of such county,
 255 city, or town, including a person with a recognized membership status with such fire company or department
 256 who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any
 257 fire company or department training required in pursuit of qualification to become a certified firefighter; a
 258 member of any fire company providing fire protection services for facilities of the Virginia National Guard or
 259 the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force
 260 while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state
 261 duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic
 262 Beverage Control Authority; any regular or special conservation police officer who receives compensation
 263 from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200;
 264 any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of
 265 the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any
 266 Department of Emergency Management hazardous materials officer; any other employee of the Department
 267 of Emergency Management who is performing official duties of the agency, when those duties are related to a
 268 major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the
 269 authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town
 270 performing official emergency management or emergency services duties in cooperation with the Department
 271 of Emergency Management, when those duties are related to a major disaster or emergency, as defined in §
 272 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with §
 273 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any
 274 nonfirefighter regional hazardous materials emergency response team member; any conservation officer of
 275 the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn
 276 member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

277 "Disabled person" means any individual who has been determined to be mentally or physically
 278 incapacitated so as to prevent the further performance of his duties at the time of his disability where such
 279 incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or
 280 proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2,
 281 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed
 282 in the definition of deceased person in this section. "Disabled person" does not include any individual who
 283 has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person"
 284 includes any state employee included in the definition of a deceased person who was disabled on or after
 January 1, 1966.

285 "Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural
 286 or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's
 287 eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to,
 288 or no later than six months after, the time of the employee's death or disability and that any such adopted
 289 child is (i) adopted prior to, or no later than six months after, the time of the employee's death or disability or
 290 (ii) adopted more than six months after the employee's death or disability if the adoption is pursuant to a
 291 preadoptive agreement entered into prior to, or no later than six months after, the death or disability.
 292 Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children
 293 of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the
 294 time of the employee's death or disability, but prior to July 1, 2017. Eligibility will continue until the end of
 295 the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible
 296 based on the Virginia Administrative Code or administrative guidance as determined by the Department of
 297 Human Resource Management.

298 "Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a
 299 deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the
 300 eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased
 301 person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia

302 Administrative Code or administrative guidance as determined by the Department of Human Resource
303 Management.

304 "Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries
305 would be covered under the benefits of this chapter if the person became a disabled person or a deceased
306 person.

307 "Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a
308 volunteer who is a member of any fire company or department or rescue squad described in the definition of
309 "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or
310 department or rescue squad as an integral part of the official safety program of such locality.

311 "Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

312 "Line of duty" means any action the deceased or disabled person was obligated or authorized to perform
313 by rule, regulation, condition of employment or service, or law.

314 "LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

315 "Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth
316 that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

317 "Participating employer" means any employer that is a state agency or is a political subdivision of the
318 Commonwealth that did not make an election to become a nonparticipating employer.

319 "VRS" means the Virginia Retirement System.

320 **§ 18.2-57. Assault and battery; penalty.**

321 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor,
322 and if the person intentionally selects the person against whom a simple assault is committed because of his
323 race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national
324 origin, the penalty upon conviction shall include a term of confinement of at least six months.

325 B. However, if a person intentionally selects the person against whom an assault and battery resulting in
326 bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual
327 orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon
328 conviction shall include a term of confinement of at least six months.

329 C. In addition, if any person commits an assault or an assault and battery against another knowing or
330 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in
331 subsection G, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or
332 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional
333 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the
334 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under
335 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,
336 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral
337 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any
338 emergency medical services personnel member who is employed by or is a volunteer of an emergency
339 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
340 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
341 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
342 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
343 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
344 confinement of six months.

345 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of
346 this section from asserting and presenting evidence in support of any defenses to the charge that may be
347 available under common law.

348 D. In addition, if any person commits a battery against another knowing or having reason to know that
349 such other person is a full-time or part-time employee of any public or private elementary or secondary
350 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the
351 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall
352 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or
353 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory
354 minimum sentence of confinement of six months.

355 E. In addition, any person who commits a battery against another knowing or having reason to know that
356 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his
357 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering
358 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,
359 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term
360 of confinement.

361 F. In addition, any person who commits an assault or an assault and battery against another knowing or
362 having reason to know that such individual is an operator of a vehicle operated by a public transportation

363 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
 364 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or
 365 riding in any vehicle operated by the public transportation service that employed such operator for a period of
 366 not less than six months as a term and condition of such sentence.

367 G. As used in this section:

368 "Disability" means a physical or mental impairment that substantially limits one or more of a person's
 369 major life activities.

370 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
 371 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

372 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
 373 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under
 374 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation
 375 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district
 376 court.

377 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 378 office that is part of or administered by the Commonwealth or any political subdivision thereof who is
 379 responsible for the prevention or detection of crime and the enforcement of the penal, traffic, or highway laws
 380 of the Commonwealth, any conservation officer of the Department of Conservation and Recreation
 381 commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control
 382 Authority, ~~any conservation police officers~~ *officer* appointed pursuant to § 29.1-200, ~~any full-time sworn~~
 383 ~~members~~ *member* of the enforcement division of the Department of Motor Vehicles appointed pursuant to §
 384 46.2-217, ~~and any employee with internal investigations authority~~ designated by the Department of
 385 Corrections pursuant to subdivision 11 of § 53.1-10, ~~and such officer also includes any jail officers~~ *officer* in
 386 ~~a local and or regional correctional facilities facility,~~ ~~all any deputy sheriffs~~ *sheriff*, whether assigned to
 387 law-enforcement duties, court services, or local jail responsibilities, ~~any auxiliary police officers~~ *officer*
 388 appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, ~~any auxiliary deputy sheriffs~~ *sheriff*
 389 appointed pursuant to § 15.2-1603, ~~any police officers~~ *officer* of the Metropolitan Washington Airports
 390 Authority pursuant to § 5.1-158, and ~~any fire marshals~~ *marshal* appointed pursuant to § 27-30 when such fire
 391 ~~marshals have~~ *marshal has* police powers as set out in §§ 27-34.2 and 27-34.2:1.

392 "School security officer" means the same as that term is defined in § 9.1-101.

393 H. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school
 394 security officer or full-time or part-time employee of any public or private elementary or secondary school
 395 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or
 396 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and
 397 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens
 398 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student
 399 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense
 400 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or
 401 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

402 In determining whether a person was acting within the exceptions provided in this subsection, due
 403 deference shall be given to reasonable judgments that were made by a school security officer or full-time or
 404 part-time employee of any public or private elementary or secondary school at the time of the event.

405 **§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.**

406 A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

407 1. Any State Police officer retired from the Department of State Police, any officer retired from the
 408 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
 409 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
 410 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any
 411 employee ~~with internal investigations authority~~ designated by the Department of Corrections pursuant to
 412 subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer
 413 retired from the Department of Wildlife Resources, any conservation officer retired from the Department of
 414 Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division
 415 of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§
 416 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member of
 417 the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
 418 retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated
 419 for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such
 420 law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of
 421 age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related
 422 injury, provided such officer carries with him written proof of consultation with and favorable review of the
 423 need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from

424 which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the
425 State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of
426 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department
427 of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer
428 shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the
429 requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to
430 carry a concealed handgun shall surrender such proof of consultation upon return to work as a
431 law-enforcement officer or upon termination of employment with the law-enforcement agency. Notice of the
432 surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal
433 Information Network. However, if such officer retires on disability because of the service-related injury, and
434 would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may
435 retain the previously issued written proof of consultation.

436 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement
437 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-
438 enforcement agency, commission, or board to accept a position covered by a retirement system that is
439 authorized under Title 51.1, provided such person carries with him written proof of consultation with and
440 favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the
441 agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission
442 or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable
443 review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry
444 into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause
445 withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

446 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services
447 of the United States or National Guard, while such officer is called to active military duty, provided such
448 officer carries with him written proof of consultation with and favorable review of the need to carry a
449 concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable
450 review shall be valid as long as the officer is on active military duty and shall expire when the officer returns
451 to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be
452 entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without
453 cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while
454 on active law-enforcement duty.

455 4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth
456 who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii)
457 during the most recent 12-month period, has met, at his own expense, the standards for qualification in
458 firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written
459 proof of consultation with and favorable review of the need to carry a concealed handgun issued by the
460 attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of
461 a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of
462 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the
463 attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal
464 Information Network.

465 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or
466 resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant
467 attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall
468 have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in
469 the same training and testing to carry firearms as is required of active law-enforcement officers in the
470 Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification
471 standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one
472 year from the date of issuance, indicating that the retired or resigned officer has met the standards of the
473 agency to carry a firearm.

474 C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the
475 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review
476 pursuant to this section may annually participate and meet the training and qualification standards to carry
477 firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned
478 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
479 shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that
480 the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the
481 certification indicating that the retired or resigned officer has met the standards of the Commonwealth to
482 carry a firearm shall be forwarded by the chief, Commission, Board, or attorney for the Commonwealth to the
483 Department of State Police for entry into the Virginia Criminal Information Network.

484 D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014,

485 any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the
 486 proof of consultation and favorable review required, shall be deemed to have been issued a concealed
 487 handgun permit.

488 **§ 53.1-10. Powers and duties of Director.**

489 The Director shall be the chief executive officer of the Department and shall have the following duties and
 490 powers:

491 1. To supervise and manage the Department and its system of state correctional facilities;

492 2. To implement the standards and goals of the Board as formulated for local and community correctional
 493 programs and facilities and lock-ups;

494 3. To employ such personnel and develop and implement such programs as may be necessary to carry out
 495 the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of
 496 appropriations made therefor by the General Assembly;

497 4. To establish and maintain a general system of schools for persons committed to the institutions and
 498 community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable,
 499 elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

500 a. The Director shall employ a Superintendent who will oversee the operation of educational and
 501 vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9
 502 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall
 503 not be eligible to receive state funds appropriated for direct aid to public education.

504 b. When the Department employs a teacher licensed by the Board of Education to provide instruction in
 505 the schools of the correctional centers, the Department of Human Resource Management shall establish
 506 salary schedules for the teachers which endeavor to be competitive with those in effect for the school division
 507 in which the correctional center is located.

508 c. The Superintendent shall develop a functional literacy program for inmates testing below a selected
 509 grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for
 510 implementation and test administration, participation requirements, criteria for satisfactory completion, and a
 511 strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational
 512 training program or other accredited continuing education program.

513 d. For the purposes of this section, the term "functional literacy" shall mean those educational skills
 514 necessary to function independently in society, including, but not limited to, reading, writing, comprehension,
 515 and arithmetic computation.

516 e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent
 517 shall create a system for identifying prisoners with learning disabilities.

518 5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the
 519 Department's duties and the execution of its powers under this title, including, but not limited to, contracts
 520 with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and
 521 contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of
 522 water or wastewater treatment services or both as necessary for the expansion or construction of correctional
 523 facilities;

524 b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary
 525 or incidental to the performance of the Department's duties and the execution of its powers under this title,
 526 upon determining that it shall be desirable to contract with a public or private entity for the provision of
 527 community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the
 528 local governing body of the jurisdiction in which the facility is to be located of the proposal and of the
 529 facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such
 530 locality when an offender is placed in the facility at issue;

531 c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary
 532 or incidental to the performance of the Department's duties and the execution of its powers under this title,
 533 upon determining that it is necessary to transport Virginia prisoners through or to another state and for other
 534 states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements
 535 with other states' corrections agencies governing such transports that shall include provisions allowing each
 536 state to retain authority over its prisoners while in the other state.

537 6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United
 538 States government and agencies and instrumentalities thereof, and any other source, subject to the approval of
 539 the Governor. To these ends, the Director shall have the power to comply with such conditions and execute
 540 such agreements as may be necessary, convenient or desirable;

541 7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are
 542 adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or
 543 ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of
 544 and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such
 545 data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General

546 Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as
 547 provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative
 548 documents and reports;

549 8. To make application to the appropriate state and federal entities so as to provide any prisoner who is
 550 committed to the custody of the state a Department of Motor Vehicles approved identification card that
 551 would expire 90 days from issuance, a copy of his birth certificate if such person was born in the
 552 Commonwealth, and a social security card from the Social Security Administration;

553 9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of
 554 all identified criminal gang members incarcerated in state correctional institutions. The list shall contain
 555 identifying information for each criminal gang member, as well as his criminal record;

556 10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that
 557 occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain
 558 identifying information for each criminal gang member as well as his criminal record;

559 11. To designate employees of the Department ~~with internal investigations authority~~ to have the same
 560 power as a sheriff or a law-enforcement officer ~~in the investigation of allegations of criminal behavior~~
 561 ~~affecting the operations of the Department for the purpose of enforcing the criminal laws of the~~
 562 ~~Commonwealth.~~ Such employees shall be subject to any minimum training standards established by the
 563 Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any
 564 law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the
 565 Department any authority over the operation and security of local jails not specified in any other provision of
 566 law. The Department shall investigate allegations of criminal behavior *affecting the operations of state*
 567 *correctional facilities* in accordance with a written agreement entered into with the Department of State
 568 Police. The Department shall not investigate any action falling within the authority vested in the Office of the
 569 State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized
 570 by the Office of the State Inspector General;

571 12. To prescribe and enforce rules prohibiting the possession of obscene materials, as defined in Article 5
 572 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities;

573 13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is
 574 terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating
 575 employment conditions and factors that contribute to or impede the retention of correctional officers;

576 14. To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to
 577 effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in
 578 § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human
 579 research committee to submit to the Governor, the General Assembly, and the Director or his designee at
 580 least annually a report on the human research projects reviewed and approved by the committee and shall
 581 require the committee to report any significant deviations from the proposals as approved; and

582 15. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any
 583 year in which the decennial census is taken and in a format specified by the Division of Legislative Services,
 584 information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such
 585 information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender
 586 identification number, assigned by the Director; (ii) his residential street address at the time of incarceration,
 587 or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years
 588 of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1
 589 of that year.

590 **§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.**

591 A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic
 592 Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the
 593 Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board
 594 or authority, and any local police department may allow any sworn law-enforcement officer, deputy, or
 595 regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of
 596 Motor Vehicles may allow any law-enforcement officer, any institution of higher education named in §
 597 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of
 598 Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of Corrections may allow any
 599 employee ~~with internal investigations authority~~ designated by the Department of Corrections pursuant to
 600 subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or
 601 (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a
 602 service-incurred disability with no expectation of returning to the employment where he incurred the
 603 disability to purchase the service handgun issued or previously issued to him by the agency or institution at a
 604 price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted
 605 for that weapon. This privilege shall also extend to any former Superintendent of State Police who leaves
 606 service after a minimum of five years. This privilege shall also extend to any person listed in this subsection

607 who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good
608 standing from one of the agencies listed in this section to accept a position covered by the Virginia
609 Retirement System. Other weapons issued by the agencies listed in this subsection for personal duty use of an
610 officer may, with approval of the agency head, be sold to the officer subject to the qualifications of this
611 section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration
612 that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions
613 other than the instant background check.

614 B. The agencies listed in subsection A may allow any sworn law-enforcement officer who retires with five
615 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a
616 price equivalent to the weapon's fair market value on the date of the officer's retirement. Any sworn law-
617 enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a
618 result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a
619 price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of
620 fair market value may be made by reference to a recognized pricing guide.

621 C. The agencies listed in subsection A may allow the immediate survivor of any sworn law-enforcement
622 officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to
623 purchase the service handgun issued to the officer by the agency at a price of \$1.

624 D. The governing board of any institution of higher learning named in § 23.1-1100 may allow any campus
625 police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who retires on or
626 after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair
627 market value on the date of the officer's retirement. Determinations of fair market value may be made by
628 reference to a recognized pricing guide.

629 E. Any officer who at the time of his retirement is a sworn law-enforcement officer with a state agency
630 listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years
631 of state service, even if a portion of his service was with another state agency, may purchase the service
632 handgun issued to him by the agency from which he retires at a price of \$1.

633 F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of
634 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

635 G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more
636 than 10 years of service to purchase the service handgun issued to him by the agency at a price that is
637 equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

638 H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently
639 employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement
640 officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased
641 new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or
642 officer in the course of duty.

643 I. The Department of State Police may allow any law-enforcement officer formerly employed by the
644 Department who had at least 10 years of service with the Department and has been elected to a constitutional
645 office to purchase his service handgun, with the approval of the Superintendent of State Police, at a fair
646 market price.